

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF ALABAMA  
SOUTHERN DIVISION**

**BRANCH BANKING AND TRUST  
COMPANY, successor in interest to  
Colonial Bank, by asset acquisition from  
The FDIC, as receiver for Colonial Bank,**

**Plaintiff,**

**v.**

**EBC PROPERTIES, LLC, *et al*,**

**Defendants**

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**CIVIL ACTION NO. 10-0264-KD-M**

**ORDER**

This action is before the Court on the Fourth Joint Settlement Statement filed by the parties (doc. 51). The parties report that the action has settled and that they are drafting the applicable agreements for execution and exchange of consideration, and anticipate filing a joint notice of dismissal without prejudice in less than two weeks. In view of the forthcoming notice of dismissal and settlement, the parties seek relief from this Court's Rule 16(b) Scheduling order which requires the exchange of pretrial disclosures on May 12, 2011 (doc. 30, ¶8). Accordingly, the deadline for exchange of pretrial disclosures is continued until **May 27, 2011**.

**The parties are reminded that the final pretrial conference remains scheduled for June 17, 2011 at 1:30 p.m. and that this action remains scheduled for a bench trial.**

**DONE and ORDERED** this May 9, 2011.

s / Kristi K. DuBose  
KRISTI K. DuBOSE  
UNITED STATES DISTRICT JUDGE